



UNITED STATES DISTRICT COURT
Southern District of Indiana

Kristine L. Seufert, Clerk of Court

Birch Bayh Federal Building
& U.S. Courthouse, Room 105
46 East Ohio Street
Indianapolis, IN 46204
(317) 229-3700

U.S. Courthouse, Room 104
921 Ohio Street
Terre Haute, IN 47807
(812) 231-1840

Winfield K. Denton Federal Building
& U. S. Courthouse, Room 304
101 NW Martin Luther King Blvd.
Evansville, IN 47708
(812) 434-6410

Lee H. Hamilton Federal Building
& U.S. Courthouse, Room 210
121 West Spring Street
New Albany, IN 47150
(812) 542-4510

October 30, 2024

JOEY KIMBROUGH
1712 Candy Court South
Kokomo, IN 46902

Brian Charles Frontino
Morgan, Lewis & Bockius LLP
600 Brickell Avenue
Suite 1600
Miami, FL 33131

RE: JOEY KIMBROUGH v. AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK

CAUSE NO: 1:22-cv-01993-TWP-MJD

Dear Appellant and Appellee:

Please be advised that the Notice of Appeal filed in 1:22-cv-01993-TWP-MJD has been forwarded to the United States Court of Appeals for the Seventh Circuit. The Clerk of the Seventh Circuit will assign an appellate case number, docket the appeal, and notify case participants of the Seventh Circuit case number assigned to this matter.

Please review [Seventh Circuit Rule 10](#) (enclosed) for guidance regarding record preparation.

Please contact the Clerk's office with any questions or concerns.

Sincerely,
Kristine L. Seufert
Clerk of Court

By Karen Angermeier, Deputy Clerk
8122311842

Selected Rules for Reference

CIRCUIT RULE 10. Preparation and Accessibility of Record in District Court Appeals

(a) Record Preparation Duties.

(1) Within 14 days of filing the notice of appeal the district court must ensure the district court docket is complete and made available electronically to the court of appeals.

(2) The clerk of the district court must prepare and hold any confidential record or exhibit not available electronically on the district court docket until requested by the court of appeals.

(3) Counsel must ensure, within 21 days of filing the notice of appeal, that all electronic and non electronic documents necessary for review on appeal are on the district court docket.

(b) Correction or Modification of Record. A motion to correct or modify the record pursuant to Rule 10(e), Fed. R. App. P., or a motion to strike matter from the record on the ground that it is not properly a part thereof must be presented first to the district court. That court's order ruling on the motion must be included as part of the record and a notice of the order must be sent to the court of appeals.

(c) Order or Certification with Regard to Transcript. Counsel and court reporters are to utilize the form prescribed by this court when ordering transcripts or certifying that none will be ordered. For specific requirements, see Rules 10(b) and 11(b), Fed. R. App. P.

(d) Ordering Transcripts in Criminal Cases.

(1) Transcripts in Criminal Justice Act Cases. At the time of the return of a verdict of guilty or, in the case of a bench trial, an adjudication of guilt in a criminal case in which the defendant is represented by counsel appointed under the Criminal Justice Act (C.J.A.), counsel for the defendant must request a transcript of testimony and other relevant proceedings by completing a C.J.A. Form No. 24 and giving it to the district judge. If the district judge believes an appeal is probable, the judge must order transcribed so much of the proceedings as the judge believes necessary for an appeal. The transcript must be filed with the clerk of the district court within 40 days after the return of a verdict of guilty or, in the case of a bench trial, the adjudication of guilt or within seven days after sentencing, whichever occurs later. If the district judge decides not to order the transcript at that time, the judge must retain the C.J.A. Form No. 24 without ruling. If a notice of appeal is filed later, appointed counsel or counsel for a defendant allowed after trial to proceed on appeal in forma pauperis must immediately notify the district judge of the filing of a notice of appeal and file or renew the request made on C.J.A. Form No. 24 for a free transcript.

(2) Transcripts in Other Criminal Cases. Within 14 days after filing the notice of appeal in other criminal cases, the appellant or appellant's counsel must deposit with the court reporter the estimated cost of the transcript ordered pursuant to Rule 10(b), Fed. R. App. P., unless the district court orders that the transcript be paid for by the United States. A non-indigent appellant must pay a pro rata share of the cost of a transcript prepared at the request of an indigent co-defendant under the Criminal Justice Act unless the district court determines that fairness requires a different division of the cost. Failure to comply with this paragraph will be cause for dismissal of the appeal.

(e) Indexing of Transcript. The transcript of proceedings to be part of the record on appeal (and any copies prepared for the use of the court or counsel in the case on appeal) must be bound by the reporter, with the pages consecutively numbered throughout. The transcript of proceedings must contain a suitable index, as well as the following information:

- (1) An alphabetical list of witnesses, giving the pages on which the direct and each other examination of each witness begins.
- (2) A list of exhibits by number, with a brief description of each exhibit indicating the nature of its contents, and with a reference to the pages of the transcript where each exhibit has been identified, offered, and received or rejected.
- (3) A list of other significant portions of the trial such as opening statements, arguments to the jury, and instructions, with a reference to the page where each begins.

When the record includes transcripts of more than one trial or other distinct proceeding, and it would be cumbersome to apply this paragraph to all the transcripts taken together as one, the rule may be applied separately to each transcript of one trial or other distinct proceeding.

(f) *Presentence Reports*. The presentence report is part of the record on appeal in every criminal case. The district court must maintain this report under seal, unless it has already been placed in the public record in the district court. If the report is under seal, the report may not be included in the appendix to the brief or the separate appendix under Fed. R. App. P. 30 and Circuit Rule 30. Counsel of record may review the presentence report but may not review the probation officer's written comments and any other portion submitted in camera to the trial judge.

(g) *Effect of Omissions from the Record on Appeal*. When a party's argument is countered by a contention of waiver for failure to raise the point in the trial court or before an agency, the party opposing the waiver contention must give the record cite where the point was asserted and also ensure that the record before the court of appeals contains the relevant document or transcript.

NOTE: The complete Federal Rules of Appellate Procedure & Rules of the 7th Circuit Court of Appeals are available at: <http://www.ca7.uscourts.gov/Rules/Rules/rules.pdf>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT of INDIANA
Indianapolis Division

FILED

10/28/2024

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Kristine L. Seufert, Clerk

JOEY KIMBROUGH,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY AKA
AMERICAN EXPRESS NATIONAL
BANK;

and

TRANS UNION LLC (*settled and
dismissed*)

Defendants.

Case No. 1:22-cv-1993-TWP-MJD

Honorable Tanya Walton Pratt
Magistrate Judge Mark J. Dinsmore

NOTICE OF APPEAL TO THE SEVENTH CIRCUIT

Notice is hereby given that Plaintiff, Joey Kimbrough, in the above-named case, hereby appeals to the *United States Court of Appeals for the Seventh Circuit* from the following Orders and Judgment of the United States District Court for the Southern District of Indiana:

1. **Order Denying Motion for Default Judgment** (Dkt. No. 17), entered on April 12, 2023, which denied Plaintiff's request for entry of default and judgment against Defendant.
2. **Order on Motion for Sanctions and Motion for Continuance** (Dkt. No. 48), entered on September 8, 2023, which denied Plaintiff's motion for sanctions and dismissed his motion for continuance as moot.
3. **Order Compelling Arbitration and Staying Proceedings** (Dkt. No. 49), entered on September 8, 2023, which granted Defendant's motion to compel arbitration and stayed all court proceedings pending arbitration.

4. **Order Denying Plaintiff's Motion to Vacate Arbitration Order** (Dkt. No. 102), entered on June 11, 2024, which denied Plaintiff's motion to vacate the order compelling arbitration.
5. **Order Denying Waiver of Arbitration** (Dkt. No. 107), entered on August 1, 2024, which denied Plaintiff's notice seeking to waive arbitration.
6. **Order to Show Cause** (Dkt. No. 114), issued on September 20, 2024, ordering Plaintiff to explain his failure to comply with the arbitration order.
7. **Final Order Dismissing Action for Failure to Prosecute** (Dkt. No. 117), entered on October 17, 2024, which dismissed the case with prejudice for Plaintiff's failure to comply with court orders requiring arbitration.
8. **Final Judgment** (Dkt. No. 118), entered on October 17, 2024, which formally dismissed the action with prejudice.

Plaintiff appeals on the grounds that these Orders and Judgment were issued in error, as detailed in the objections previously filed with the Court.

Respectfully Submitted,

/s/ Joey Kimbrough

Joey Kimbrough, Plaintiff, Pro Se
1712 Candy Court South
Kokomo, IN 46902
(765) 437-8451
joeykokomo2002@yahoo.com

Certificate of Service

I hereby certify that on October 28th, 2024, I electronically filed the foregoing with the Clerk of the Court by email with attachments as is required by the Court.

Distribution:

All ECF-registered counsel of record

Respectfully Submitted,

/s/ Joey Kimbrough

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT of INDIANA
Indianapolis Division

FILED

10/28/2024

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Kristine L. Seufert, Clerk

JOEY KIMBROUGH,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY AKA
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dismissed*)

Defendants.

Case No. 1:22-cv-1993-TWP-MJD

Honorable Tanya Walton Pratt
Magistrate Judge Mark J. Dinsmore

DOCKETING STATEMENT OF PLAINTIFF

1. Jurisdictional Statement:

This appeal is from the final orders and judgment of the United States District Court for the Southern District of Indiana, entered on October 17, 2024, in Case No. 1:22-cv-01993-TWP-MJD. The United States Court of Appeals for the Seventh Circuit has jurisdiction over this appeal pursuant to 28 U.S.C. § 1291.

2. Nature of the Case:

This case involves a civil action initiated by Plaintiff, pro se, alleging violations under the Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.) against Defendant. The District Court dismissed Plaintiff's claims and directed arbitration, subsequently dismissing the case with prejudice for failure to prosecute after Plaintiff did not initiate arbitration as ordered.

3. Issues to Be Raised on Appeal:

Plaintiff intends to raise the following issues on appeal:

- A. Whether the District Court erred in compelling arbitration when Plaintiff argued that the arbitration agreement was unenforceable.
- B. Whether the District Court abused its discretion in dismissing Plaintiff's claims with prejudice for failure to prosecute due to non-compliance with arbitration orders.
- C. Whether the District Court's orders and judgment were contrary to federal procedural rules and established legal principles.

4. Related Cases:

To the best of Plaintiff's knowledge, there are no related cases currently pending in this or any other court.

5. Transcript Information:

Plaintiff does not intend to order any additional transcripts for this appeal as the issues on appeal are based on the existing record and orders.

6. Briefing Schedule:

Plaintiff proposes the following briefing schedule, subject to the approval of the Court:

- **Appellant's Opening Brief:** December 15, 2024
- **Appellee's Response Brief:** December 29, 2024
- **Appellant's Reply Brief:** January 5, 2025

7. Representation:

Plaintiff Joey Kimbrough is proceeding pro se.

Respectfully Submitted,

/s/ Joey Kimbrough

Joey Kimbrough, Plaintiff, Pro Se

1712 Candy Court South

Kokomo, IN 46902

(765) 437-8451

joeykokomo2002@yahoo.com

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All ECF-registered counsel of record

Respectfully Submitted,

/s/ Joey Kimbrough

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT of INDIANA
Indianapolis Division

FILED

10/28/2024

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Kristine L. Seufert, Clerk

JOEY KIMBROUGH,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY AKA
AMERICAN EXPRESS NATIONAL
BANK;

and

TRANS UNION LLC (*settled and
dismissed*)

Defendants.

Case No. 1:22-cv-1993-TWP-MJD

Honorable Tanya Walton Pratt
Magistrate Judge Mark J. Dinsmore

PROPOSED DESIGNATION OF RECORD ON APPEAL

Pursuant to *Federal Rules of Appellate Procedure 10* and *Circuit Rule 10*, Plaintiff-Appellant, Joey Kimbrough, pro se, respectfully submits the following **Proposed Designation of Record** for the appeal:

1. Pleadings, Motions, and Objections:

- Complaint [Dkt. No. 1]
- Motion for Entry of Default and Motion for Entry of Judgment [Dkt. No. 9]
- Plaintiff's Motion to Vacate Order Compelling Arbitration [Dkt. No. 94]
- Plaintiff's Notice of Waiver of Arbitration [Dkt. No. 104]
- **Plaintiff's Objections to Court Orders:**

- Objection to Order on Motion for Sanctions and Motion for Continuance [Dkt. No. 51]
- Objection to Court's Denial of Motion to Vacate Arbitration Order [Dkt. Nos. 105, 106]
- Objection to Denial of Waiver of Arbitration [Dkt. No. 111]
- Objection Filed in Response to Show Cause Order [Dkt. No. 116]

2. Court Orders:

- Order Denying Motion for Default Judgment [Dkt. No. 17]
- Order on Motion for Sanctions and Motion for Continuance [Dkt. No. 48]
- Order Compelling Arbitration and Staying Proceedings [Dkt. No. 49]
- Order Denying Plaintiff's Motion to Vacate Arbitration Order [Dkt. No. 102]
- Order Denying Waiver of Arbitration [Dkt. No. 107]
- Order to Show Cause [Dkt. No. 114]
- Final Order Dismissing Action for Failure to Prosecute [Dkt. No. 117]
- Final Judgment [Dkt. No. 118]

3. Other Relevant Filings:

- Plaintiff's Responses and Briefs Opposing Arbitration and Related Declarations [Dkt. Nos. 35, 36, 37]

4. Exhibit A - District Court Docket:

- A complete copy of the District Court docket in Case No. 1:22-cv-01993-TWP-MJD, including all docket entries and filings relevant to the above-listed motions, orders, and proceedings.

5. Additional Documents:

- Any additional documents, exhibits, or evidence referenced in the above pleadings and motions that were submitted to the district court and are necessary for the resolution of the appeal.

Respectfully Submitted,

/s/ Joey Kimbrough

Joey Kimbrough, Plaintiff, Pro Se
1712 Candy Court South
Kokomo, IN 46902
(765) 437-8451
joeykokomo2002@yahoo.com

Certificate of Service

I hereby certify that on October 28th, 2024, I electronically filed the foregoing with the Clerk of the Court by email with attachments as is required by the Court.

Distribution:

All ECF-registered counsel of record

Respectfully Submitted,

/s/ Joey Kimbrough

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JOEY KIMBROUGH,)	
)	
Plaintiff,)	
)	
v.)	No. 1:22-cv-01993-TWP-MJD
)	
AMERICAN EXPRESS COMPANY, aka)	
AMERICAN EXPRESS NATIONAL BANK,)	
)	
Defendant.)	

ENTRY DISMISSING ACTION FOR FAILURE TO PROSECUTE

On October 7, 2022, *pro se* Plaintiff Joey Kimbrough ("Kimbrough") initiated this action against American Express Company, aka American Express National Bank ("Defendant") ([Dkt. 1](#)). On September 8, 2023, the Court granted Defendant's Motion to Compel Arbitration ([Dkt. 29](#)) and Kimbrough was ordered to commence arbitration proceedings. Defendant was ordered to file periodic Notices of the status of arbitration proceedings. *Id.* Kimbrough initiated an appeal, and on January 17, 2024, the Seventh Circuit Court of Appeals issued a Mandate dismissing Kimbrough's appeal for review of the order compelling arbitration, stating appellate review was prohibited ([Dkt. 83](#)). Kimbrough then moved to vacate the order compelling arbitration ([Dkt. 94](#)), which was denied ([Dkt. 102](#)). Kimbrough was notified that if he failed to commence arbitration by July 19, 2024, **"the Court may assume that Kimbrough has decided to abandon his claim and may therefore dismiss this case, with prejudice, for failure to prosecute."** *Id.* at 2 (emphasis in original).

On September 20, 2024, the Court ordered Kimbrough to show cause why he has failed to comply with the Court's orders or commence arbitration ([Dkt. 114](#)). The Court again notified Kimbrough that "[f]ailure to comply with the Order may result in dismissal of this matter." *Id.* at

1. On October 11, 2024, Kimbrough filed a Response to the Court's Show Cause Order ([Dkt. 116](#)). In his Response, Kimbrough raises the same arguments that this Court has previously rejected, including arguments that arbitration is not required and that Defendant must initiate arbitration. As of the Notice of Status of Arbitration Proceedings filed on October 3, 2024, Kimbrough still has not commenced arbitration proceedings ([Dkt. 115](#)).

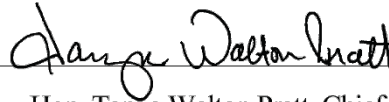
Under Federal Rule of Civil Procedure 41(b), "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order," his claims may be dismissed with prejudice. Fed. R. Civ. P. 41(b). "A district court has the authority under Federal Rule of Civil Procedure 41(b) to enter a *sua sponte* order of dismissal for lack of prosecution." *James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th Cir. 2005); *see GCIU Employer Retirement Fund v. Chicago Tribune Co.*, 8 F.3d 1195, 1199 (7th Cir. 1993) ("It is well-established that district courts possess inherent authority to dismiss a case *sua sponte* for a plaintiff's failure to prosecute.").

Kimbrough's Response and his ongoing refusal to commence arbitration make clear that he will not pursue this case in the manner the Court has ruled that the law requires, despite repeated warnings that his claims may otherwise be dismissed. Dismissal of this action for failure to prosecute or comply with the Court order is therefore appropriate. *James*, 417 F.3d at 681 (affirming *sua sponte* dismissal of action, with prejudice, for failure to prosecute where plaintiff was ordered to arbitrate claims but refused to commence arbitration); *see Ball v. City of Chicago*, 2 F.3d 752, 760 (7th Cir. 1993) ("Dismissal for failure to prosecute is, as provided in Fed. R. Civ. P. 41(b), with prejudice, and appellate review is highly deferential.").

For the reasons explained above, this action is **DISMISSED WITH PREJUDICE** for failure to prosecute. Final judgment consistent with this Entry will issue under separate order.

SO ORDERED.

Date: 10/17/2024



Hon. Tanya Walton Pratt, Chief Judge
United States District Court
Southern District of Indiana

Distribution:

JOEY KIMBROUGH
1712 Candy Court South
Kokomo, IN 46902

Brian Charles Frontino
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

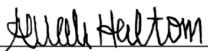
JOEY KIMBROUGH,)	
)	
Plaintiff,)	
)	
v.)	No. 1:22-cv-01993-TWP-MJD
)	
AMERICAN EXPRESS COMPANY, aka)	
AMERICAN EXPRESS NATIONAL BANK,)	
)	
Defendant.)	


FINAL JUDGMENT PURSUANT TO FED. R. CIV. PRO. 58

The Court having this day made its Entry directing the entry of final judgment, the Court now enters **FINAL JUDGMENT**. This action is **dismissed with prejudice**.

Dated: 10/17/2024

Kristine L. Seufert, Clerk

BY: 
Deputy Clerk, U.S. District Court


Hon. Tanya Walton Pratt, Chief Judge
United States District Court
Southern District of Indiana

Distribution:

JOEY KIMBROUGH
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Kokomo, IN 46902

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snewman@steptoe.com

***** PUBLIC DOCKET *****

APPEAL,MANDATE,CLOSED

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:22-cv-01993-TWP-MJD**

KIMBROUGH v. AMERICAN EXPRESS COMPANY, aka
AMERICAN EXPRESS NATIONAL BANK et al
Assigned to: Judge Tanya Walton Pratt
Referred to: Magistrate Judge Mark J. Dinsmore
Case in other court: 7th Circuit, 23-02911 - Mandate
7th Circuit, 23-02912 - Mandate
Cause: 15:1681 Fair Credit Reporting Act

Date Filed: 10/07/2022
Date Terminated: 10/17/2024
Jury Demand: Plaintiff
Nature of Suit: 480 Consumer Credit
Jurisdiction: Federal Question

Plaintiff**JOEY KIMBROUGH**

represented by **JOEY KIMBROUGH**
1712 Candy Court South
Kokomo, IN 46902
(765) 437-8451
PRO SE

V.

Defendant**AMERICAN EXPRESS COMPANY, aka
AMERICAN EXPRESS NATIONAL
BANK**

represented by **Adam Hoock**
Steptoe LLP
2029 Century Park East
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213-439-9426
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ATTORNEY TO BE NOTICED

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Los Angeles, CA 90067
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/07/2022	<u>1</u>	COMPLAINT against AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK, and TRANS UNION LLC, filed by JOEY KIMBROUGH. (Filing fee \$402, receipt number 2047) (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons) (DJH) (Entered: 10/11/2022)
10/11/2022	<u>2</u>	Summons Issued as to AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK, and TRANS UNION LLC. (DJH) (Entered: 10/11/2022)
10/11/2022	<u>3</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) (Entered: 10/11/2022)
10/11/2022	<u>5</u>	CONSENT to Jurisdiction to US Magistrate Judge by JOEY KIMBROUGH. (AKH) (Entered: 10/12/2022)
10/12/2022	<u>4</u>	NOTICE to Pro se Litigant - The following information is provided to pro se litigants to inform them about rules and procedures governing how they communicate with the Court. (AKH) (Entered: 10/12/2022)
10/20/2022	<u>6</u>	RETURN of Service by CMRRR filed by JOEY KIMBROUGH. AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK served on 10/17/2022, TRANS UNION LLC served on 10/17/2022. (AKH) (Main Document 6 replaced on 10/21/2022) (AKH). (Additional attachment(s) added on 10/21/2022: # <u>1</u> Affidavit of Service - American Express, # <u>2</u> Affidavit of Service TransUnion) (AKH). (Entered: 10/21/2022)
10/21/2022	<u>7</u>	STIPULATION of Dismissal, as to Defendant TRANS UNION LLC, filed by JOEY KIMBROUGH. (Attachments: # <u>1</u> Text of Proposed Order)(AKH) (Entered: 10/21/2022)
10/24/2022	<u>8</u>	ORDER OF DISMISSAL - COME NOW Plaintiff Joey Kimbrough and Defendant Trans Union LLC, by Kimbrough, Pro Se, and Trans Union through respective counsel, and filed a Stipulation of Dismissal of this cause of action as to Trans Union ONLY, with each party to pay its own attorney fees and costs. And the Court, having considered said Stipulation and being fully advised in the premises, now finds the Stipulation of Dismissal should be and hereby is, APPROVED. TRANS UNION LLC terminated. (See Order). Copies sent pursuant to distribution list. Signed by Judge Tanya Walton Pratt on 10/24/2022.(AKH) (Entered: 10/24/2022)
11/12/2022	<u>9</u>	MOTION for Entry of Default and Motion for Entry of Judgment, filed by Plaintiff JOEY KIMBROUGH. (Attachments: # <u>1</u> Exhibit A - Affidavit, # <u>2</u> Text of Proposed Order)(AKH) (Entered: 11/14/2022)

11/30/2022	10	NOTICE of Service, filed by Plaintiff JOEY KIMBROUGH (Attachments: # 1 Exhibit A) (AKH) Modified on 12/20/2022 - fixed date filed (AKH). (Entered: 12/01/2022)
12/13/2022	11	ANSWER to 1 Complaint , filed by AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK.(Frontino, Brian) (Entered: 12/13/2022)
12/13/2022	12	Rule 7.1 Disclosure Statement by AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK identifying Corporate Parent AMERICAN EXPRESS COMPANY, Corporate Parent American Express Travel Related Services Company, Inc. for AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK.. (Frontino, Brian) (Entered: 12/13/2022)
12/16/2022	13	MOTION to Strike 11 Defendant's Unauthorized Answer to Plaintiff's Complaint, filed by Plaintiff JOEY KIMBROUGH. (Attachments: # 1 Text of Proposed Order)(AKH) (Entered: 12/19/2022)
12/23/2022	14	RESPONSE in Opposition re 9 MOTION for Entry of Default and Motion for Entry of Judgment, filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Frontino, Brian) (Entered: 12/23/2022)
12/27/2022	15	NOTICE of Appearance by Brian Charles Frontino on behalf of Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Frontino, Brian) (Entered: 12/27/2022)
12/30/2022	16	RESPONSE in Opposition re 13 MOTION to Strike 11 Answer to Complaint , filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Frontino, Brian) (Entered: 12/30/2022)
04/12/2023	17	ORDER DENYING PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT MOTION FOR ENTRY OF JUDGMENT AND PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S UNAUTHORIZED ANSWER - This matter is before the Court on pro se Plaintiff Joey Kimbrough's Request for Entry of Default and Motion for Entry of Judgment as to Defendant American Express Company aka American Express National Bank ("Motion for Default") (Dkt. 9) and his Motion to Strike Defendant's Unauthorized Answer to Plaintiff's Complaint (Dkt. 13). Kimbrough filed this action against the Defendants American Express Company a/k/a American Express National Bank's and Trans Union LLC alleging certain violations of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681, et seq., (Dkt. 1). The Court DENIES Kimbrough's Request for Entry of Default and Motion for Entry of Judgment as to Defendant American Express Company aka American Express National Bank (Dkt. 9), and DENIES his Motion to Strike Defendant's Unauthorized Answer to Plaintiff's Complaint (Dkt. 13). Copies sent pursuant to distribution list. (See Order). Signed by Judge Tanya Walton Pratt on 4/12/2023. (AKH) (Entered: 04/12/2023)
05/06/2023	18	MOTION to Set Scheduling Conference and Accept Proposed Case Management Plan, filed by Plaintiff JOEY KIMBROUGH. (Attachments: # 1 Text of Proposed Order) (JSR) (Entered: 05/08/2023)
05/26/2023	19	ORDER SETTING PRETRIAL SCHEDULE AND DISCUSSING DISCOVERY IN PRISONER LITIGATION: This Order sets the schedule for how this action shall proceed. Part I sets forth the pretrial deadlines. Part II discusses various aspects of discovery. Facilitating the discovery process can be difficult, and this Order is issued in an effort to help explain and streamline the process for the parties. The parties should carefully read this Order. *SEE ORDER FOR ADDITIONAL INFORMATION*. Dispositive Motions due by 1/12/2024. Discovery due by 12/15/2023. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 5/26/23.(JRB) (Entered: 05/30/2023)

05/31/2023	20	MOTION for Summary Judgment, filed by Plaintiff JOEY KIMBROUGH. (Attachments: # 1 Text of Proposed Order)(SWM) (Entered: 06/01/2023)
05/31/2023	21	MEMORANDUM in Support re 20 MOTION for Summary Judgment, filed by Plaintiff JOEY KIMBROUGH. (SWM) (Entered: 06/01/2023)
05/31/2023	22	AFFIDAVIT in Support re 20 MOTION for Summary Judgment, filed by Plaintiff JOEY KIMBROUGH. (SWM) (Entered: 06/01/2023)
06/09/2023	23	NOTICE of Appearance by Adam Hoock on behalf of Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Hoock, Adam) (Entered: 06/09/2023)
06/22/2023	24	NOTICE of Appearance by Stephen J. Newman on behalf of Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Newman, Stephen) (Entered: 06/22/2023)
06/23/2023	25	Unopposed MOTION for Extension of Time to File Response re 20 MOTION for Summary Judgment , filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Attachments: # 1 Text of Proposed Order)(Hoock, Adam) (Entered: 06/23/2023)
06/27/2023	26	ORDER granting 25 Unopposed MOTION for Extension of Time - Defendant American Express National Bank shall have an extension of time to respond to Plaintiff's Motion for Summary Judgment 20 until such time as the Court has ruled on the issue of whether Plaintiff is required to arbitrate this dispute. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge Tanya Walton Pratt on 6/27/2023. (JRB) (Entered: 06/27/2023)
08/02/2023	27	MOTION to Proceed with Case Management Plan pursuant to Federal Rule of Civil Procedure 1, filed by Plaintiff JOEY KIMBROUGH. (Attachments: # 1 Text of Proposed Order)(SWM) (Entered: 08/03/2023)
08/02/2023	28	MOTION for Sanctions Against Attorney Brian Frontino and Strook & Strook & Lavan LLP pursuant to Local Rule 83-7(b)(1), filed by Plaintiff JOEY KIMBROUGH. (Attachments: # 1 Exhibit - Email, # 2 Text of Proposed Order)(SWM) (Entered: 08/03/2023)
08/15/2023	29	MOTION to Compel <i>Arbitration</i> , filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Hoock, Adam) (Entered: 08/15/2023)
08/15/2023	30	BRIEF/MEMORANDUM in Support re 29 MOTION to Compel <i>Arbitration</i> , filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Attachments: # 1 Declaration of Keith Herr, # 2 Exhibit A1-A5, # 3 Exhibit B1-B5) (Hoock, Adam) (Entered: 08/15/2023)
08/16/2023	31	RESPONSE in Opposition re 27 MOTION <i>to Proceed with Case Management Plan</i> , filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Hoock, Adam) (Entered: 08/16/2023)
08/16/2023	32	RESPONSE in Opposition re 28 MOTION for Sanctions <i>Against Attorney Brian Frontino and Stroock & Stroock & Lavan LLP</i> , filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Hoock, Adam) (Entered: 08/16/2023)
08/16/2023	33	AFFIDAVIT of Status by JOEY KIMBROUGH. (TPS) (Entered: 08/17/2023)
08/16/2023	34	NOTICE of Status, filed by Plaintiff JOEY KIMBROUGH. (TPS) (Entered: 08/17/2023)
08/17/2023	35	RESPONSE in Opposition to 29 MOTION to Compel <i>Arbitration</i> , filed by Plaintiff JOEY KIMBROUGH. (TPS) (Entered: 08/18/2023)

08/17/2023	36	MEMORANDUM in Support of 35 Response in Opposition to 29 MOTION to Compel <i>Arbitration</i> , filed by Plaintiff JOEY KIMBROUGH. (TPS) (Entered: 08/18/2023)
08/17/2023	37	RESPONSE in Opposition to Declaration of Keith Herr, filed by Plaintiff JOEY KIMBROUGH. (TPS) (Entered: 08/18/2023)
08/17/2023	38	RESPONSE in Opposition to Defendant's Exhibit A1 - A5, filed by Plaintiff JOEY KIMBROUGH. (TPS) (Entered: 08/18/2023)
08/17/2023	39	RESPONSE in Opposition to Defendant's Exhibit B1 - B5, filed by Plaintiff JOEY KIMBROUGH. (TPS) (Entered: 08/18/2023)
08/18/2023	40	Reply to Response to Opposition to Plaintiff's Motion for Sanctions, filed by Plaintiff JOEY KIMBROUGH. (LF) (Entered: 08/18/2023)
08/18/2023	41	Submission of Exhibit, filed by Plaintiff JOEY KIMBROUGH. (LF) (Entered: 08/18/2023)
08/18/2023	42	NOTICE to the Court Regarding Correction of filing of 36 Brief/Memorandum, filed by Plaintiff JOEY KIMBROUGH. (CW) (Entered: 08/21/2023)
08/18/2023	43	MEMORANDUM of Law in Support of Response to 29 MOTION to Compel <i>Arbitration</i> , filed by Plaintiff JOEY KIMBROUGH. (CW) (Entered: 08/21/2023)
08/24/2023	44	Unopposed MOTION for Extension of Time to File Reply to 08/31/2023 re 29 MOTION to Compel <i>Arbitration</i> , filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Attachments: # 1 Text of Proposed Order) (Hook, Adam) (Entered: 08/24/2023)
08/24/2023	45	ORDER granting 44 Unopposed MOTION for Extension of Time to File Reply to 29 MOTION to Compel <i>Arbitration</i> to 8/31/2023. Signed by Magistrate Judge Mark J. Dinsmore on 8/24/2023. (JRB) (Entered: 08/24/2023)
08/31/2023	46	REPLY in Support of Motion re 29 MOTION to Compel <i>Arbitration</i> , filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Hook, Adam) (Entered: 08/31/2023)
09/01/2023	47	PLAINTIFF'S NOTICE AND UNOPPOSED MOTION FOR CONTINUANCE, filed by Plaintiff JOEY KIMBROUGH. (Attachments: # 1 Proposed Order)(KAA) (Entered: 09/05/2023)
09/08/2023	48	ORDER ON MOTION FOR SANCTIONS AND MOTION FOR CONTINUANCE - 28 Motion for Sanctions is DENIED. 47 Motion for Continuance is DENIED as moot. See Order for details. Signed by Magistrate Judge Mark J. Dinsmore on 9/8/2023 (Copy mailed to Plaintiff). (LBT) (Entered: 09/11/2023)
09/08/2023	49	ORDER ON MOTION TO COMPEL ARBITRATION - Defendant's Motion to Compel Arbitration, Dkt. 29 is GRANTED. While Plaintiff's point regarding Defendant's unexplained delay in filing its motion to compel arbitration is well-taken, Plaintiff's Motion to Proceed with Case Management Plan Dkt. 27 is DENIED AS MOOT in light of this ruling. Defendant shall file a Notice setting forth the status of the arbitration proceedings on or before January 5, 2024, and every thirty days thereafter. Copy to plaintiff via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 9/8/2023. (KAA) (Entered: 09/11/2023)
09/12/2023	50	ORDER STAYING PROCEEDINGS PENDING ARBITRATION AND DISMISSING PENDING MOTION WITHOUT PREJUDICE - The Court has recently determined that it must compel arbitration of Kimbrough's claims pursuant to the Arbitration Agreement in the American Express cardholder agreements. 49 . Within its Motion to Compel Arbitration, American Express requested a stay of these proceedings until the completion of arbitration. (Dkt. 30 at 1.) That request is granted and all proceedings in this case are STAYED.

		Kimbrough's Motion for Summary Judgment (Dkt. 20) is DISMISSED without prejudice and he may refile it, if appropriate once the stay is lifted. The Court notes that American Express is directed to file a Notice setting forth the status of the arbitration proceedings on or before Friday, January 5, 2024, and every thirty (30) days thereafter. Copy sent to Plaintiff via US Mail. Signed by Judge Tanya Walton Pratt on 9/12/2023. (JRB) Modified on 9/12/2023 (JRB). (Entered: 09/12/2023)
09/29/2023	51	Objection to Court's Order re Dkt 48 , filed by Plaintiff JOEY KIMBROUGH. (Attachments: # 1 Text of Proposed Order)(LF) (Entered: 10/03/2023)
09/29/2023	52	MOTION for Reconsideration re 48 Order on Motion for Extension of Time to File Order on Motion for Sanctions, filed by Plaintiff JOEY KIMBROUGH. (Attachments: # 1 Text of Proposed Order)(LF) (Entered: 10/03/2023)
09/29/2023	53	NOTICE OF APPEAL as to 48 Order on Motion for Extension of Time to File Order on Motion for Sanctions, filed by Plaintiff JOEY KIMBROUGH. (No fee paid with this filing) (Attachments: # 1 Text of Proposed Order)(LF) (Entered: 10/03/2023)
10/01/2023	56	Second MOTION for Reconsideration of 49 Order, filed by Plaintiff JOEY KIMBROUGH. (TPS) (Additional attachment(s) added on 10/3/2023: # 1 Proposed Order) (TPS). (Entered: 10/03/2023)
10/01/2023	57	Second NOTICE OF APPEAL as to 49 Order, filed by Plaintiff JOEY KIMBROUGH. (No fee paid with this filing) (TPS) Modified on 10/3/2023 to correct filing date (LBT). (Entered: 10/03/2023)
10/01/2023	58	OBJECTION to 48 Order, filed by Plaintiff JOEY KIMBROUGH. (TPS) (Entered: 10/03/2023)
10/03/2023	54	PARTIES' SHORT RECORD re 53 Notice of Appeal - Instructions for Attorneys/Parties attached. (Copy mailed to appellant.) (KAA) (Entered: 10/03/2023)
10/03/2023	55	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 53 Notice of Appeal. - for Court of Appeals Use Only. (KAA) (Entered: 10/03/2023)
10/03/2023	59	PARTIES' SHORT RECORD re 57 Notice of Appeal - Instructions for Attorneys/Parties attached. (Copy mailed to appellant.) (KAA) (Entered: 10/03/2023)
10/03/2023	60	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 57 Notice of Appeal. - for Court of Appeals Use Only. (KAA) (Entered: 10/03/2023)
10/04/2023	61	USCA Case Number 23-2911 for 53 Notice of Appeal filed by JOEY KIMBROUGH. (Attachments: # 1 Fee Notice)(KAA) (Entered: 10/04/2023)
10/04/2023	62	USCA Case Number 23-2912 for 57 Notice of Appeal filed by JOEY KIMBROUGH. (Attachments: # 1 Fee Notice)(KAA) (Entered: 10/04/2023)
10/09/2023	63	NOTICE of Motion for Continuance Filed with Court of Appeals by JOEY KIMBROUGH (Attachments: # 1 Exhibit) (AAS) (Entered: 10/11/2023)
10/13/2023	64	RESPONSE in Opposition re 56 MOTION for Reconsideration re 49 Order on Motion Order on Motion to Compel, 52 MOTION for Reconsideration re 48 Order on Motion for Extension of Time to File Order on Motion for Sanctions 51 Plaintiff's Objection, 58 Plaintiff's Objection, filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Hook, Adam) (Entered: 10/13/2023)
10/16/2023	65	NOTICE of Corrected Certificate of Service, filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK, re 64 Response in Opposition to Motion. (Hook, Adam) (Entered: 10/16/2023)

10/16/2023	66	MOTION to Strike, filed by Plaintiff JOEY KIMBROUGH. (Attachments: # 1 Exhibit)(JRB) (Entered: 10/17/2023)
10/16/2023	67	Omnibus Reply in Support of 51 Plaintiff's Objection to Court's Order re Dkt 48 , filed by Plaintiff JOEY KIMBROUGH. (Attachments: # 1 Exhibit)(JRB) (Entered: 10/17/2023)
10/30/2023	68	RESPONSE in Opposition re 66 MOTION <i>DEFENDANT AMERICAN EXPRESS NATIONAL BANKS RESPONSE IN OPPOSITION TO PLAINTIFFS MOTION TO STRIKE</i> , filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Hook, Adam) (Entered: 10/30/2023)
11/01/2023	69	PLAINTIFF'S REPLY IN OPPOSITION TO DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE - re 68 Response in Opposition to Motion, filed by Plaintiff JOEY KIMBROUGH. (KAA) (Entered: 11/01/2023)
11/01/2023	70	MOTION to Proceed on Appeal in forma pauperis, filed by Plaintiff JOEY KIMBROUGH. Appellate Case 23-2911 (Attachments: # 1 Exhibit, # 2 Text of Proposed Order) (JSR) (Entered: 11/02/2023)
11/01/2023	71	MOTION to Proceed on Appeal in forma pauperis, filed by Plaintiff JOEY KIMBROUGH. Appellate Case 23-2912 (Attachments: # 1 Exhibit, # 2 Text of Proposed Order) (JSR) (Entered: 11/02/2023)
11/01/2023	72	MOTION to Strike (Second Instance), filed by Plaintiff JOEY KIMBROUGH. (Attachments: # 1 Text of Proposed Order) (JSR) (Entered: 11/02/2023)
11/02/2023	73	NOTICE of <i>Corrected Certificate of Service</i> , filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK, re 68 Response in Opposition to Motion. (Hook, Adam) (Entered: 11/02/2023)
11/02/2023	74	RESPONSE in Opposition re 72 MOTION to Strike , filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Hook, Adam) (Entered: 11/02/2023)
11/02/2023	75	REPLY in Support of Motion re 72 MOTION to Strike, filed by Plaintiff JOEY KIMBROUGH. (AAS) (Entered: 11/03/2023)
11/06/2023	76	ORDER denying 70 and 71 Motions for Leave to Appeal in forma pauperis (USCA #23-02911) (USCA #23-02911) - SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge Tanya Walton Pratt on 11/6/2023. (JRB) (Entered: 11/07/2023)
01/05/2024	77	NOTICE of Change of Attorney Information. Consistent with Local Rule 5-3, Adam Hook hereby notifies the Clerk of the court of changed contact information. <i>Notice of Change of Firm Name</i> . (Hook, Adam) (Entered: 01/05/2024)
01/05/2024	78	NOTICE <i>Of Status of Arbitration Proceedings</i> , filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK, re 49 Order on MotionOrder on Motion to Compel, 50 Order on Motion for Summary Judgment. (Hook, Adam) (Entered: 01/05/2024)
01/08/2024	79	ORDER denying 52 and 56 MOTIONS for Reconsideration - SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge Tanya Walton Pratt on 1/8/2024. (JRB) (Entered: 01/08/2024)
01/08/2024	80	ORDER DENYING MOTIONS TO STRIKE - Kimbrough's Motions to Strike (Dkts. 66 and 72) are DENIED. Defendant's counsel Adam Hook is admonished that he must properly serve Kimbrough, a pro se litigant, directly at his email address--and he cannot rely on the CM/ECF system to provide service. Any further failures to do so may warrant the relief requested by Kimbrough. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge

		Tanya Walton Pratt on 1/8/2024. (JRB) (Entered: 01/08/2024)
01/09/2024	81	MARGINAL ENTRY re 78 NOTICE OF STATUS OF ARBITRATION PROCEEDINGS - The Notice is Acknowledged. Signed by Judge Tanya Walton Pratt on 01/09/2024.(AAS) (Entered: 01/09/2024)
01/17/2024	82	MANDATE of USCA as to 53 Notice of Appeal filed by JOEY KIMBROUGH (USCA #23-2911) - IT IS ORDERED that this appeal is DISMISSED for lack of jurisdiction. (LBT) (Entered: 01/17/2024)
01/17/2024	83	MANDATE of USCA as to 57 Notice of Appeal filed by JOEY KIMBROUGH (USCA #23-2912) - IT IS ORDERED that this appeal is DISMISSED for lack of jurisdiction. (LBT) (Entered: 01/17/2024)
02/05/2024	84	NOTICE of Status of Arbitration Proceedings, filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK, re 49 Order on Motion Order on Motion to Compel, 50 Order on Motion for Summary Judgment. (Hooock, Adam) (Entered: 02/05/2024)
02/06/2024	85	MARGINAL ENTRY re 84 Notice of Status of Arbitration Proceedings - Notice Acknowledged. Copy to Plaintiff via US Mail. Signed by Judge Tanya Walton Pratt on 2/6/2024.(SWM) (Entered: 02/06/2024)
03/06/2024	86	NOTICE of Status of Arbitration Proceedings, filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK, re 49 Order on Motion Order on Motion to Compel, 50 Order on Motion for Summary Judgment. (Hooock, Adam) (Entered: 03/06/2024)
03/09/2024	87	MARGINAL ENTRY- Acknowledged, re 86 Notice (Other). See Order. Signed by Judge Tanya Walton Pratt on 3/9/2024. (LF) (Entered: 03/11/2024)
04/05/2024	88	NOTICE of Status of Arbitration Proceedings, filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK, re 49 Order on Motion Order on Motion to Compel, 50 Order on Motion for Summary Judgment. (Hooock, Adam) (Entered: 04/05/2024)
04/09/2024	89	MARGINAL ENTRY, re 88 Notice of Status of Arbitration - Acknowledged. Signed by Judge Tanya Walton Pratt on 04/09/2024.(AAS) (Entered: 04/09/2024)
05/06/2024	90	NOTICE of Status of Arbitration Proceedings, filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK, re 49 Order on Motion Order on Motion to Compel, 50 Order on Motion for Summary Judgment. (Hooock, Adam) (Entered: 05/06/2024)
05/07/2024	91	ORDER - The parties are ORDERED to promptly contact the Magistrate Judge to schedule a status conference to discuss Kimbrough's perceived failure to comply with the Court's Order compelling arbitration proceedings. See Order for details. Signed by Judge Tanya Walton Pratt on 5/7/2024 (Copy mailed to Plaintiff).(LBT) (Entered: 05/07/2024)
05/08/2024	92	SCHEDULING ORDER: This matter is scheduled for an in-person status conference on Thursday, 5/30/2024 at 10:30 AM (Eastern Time) in room #270, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Magistrate Judge Mark J. Dinsmore to discuss Plaintiff's perceived failure to comply with the Court's order compelling arbitration proceedings. Plaintiff Joey Kimbrough and counsel for Defendant shall appear in person for the conference. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 5/8/2024.(KAA) (Entered: 05/08/2024)
05/10/2024	93	NOTICE of Appearance by Elise Kyla Haverman on behalf of Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Haverman, Elise)

		(Entered: 05/10/2024)
05/16/2024	95	MOTION to Compel, filed by Plaintiff JOEY KIMBROUGH. (Attachments: # 1 Text of Proposed Order)(LBT) (Entered: 05/17/2024)
05/17/2024	94	MOTION to Vacate Order, filed by Plaintiff JOEY KIMBROUGH. (Attachments: # 1 Text of Proposed Order)(LBT) (Entered: 05/17/2024)
05/20/2024	96	RESPONSE in Opposition re 95 MOTION to Compel <i>and Notice of Unauthorized Practice of Law</i> , filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Haverman, Elise) (Entered: 05/20/2024)
05/30/2024	97	MINUTE ORDER Plaintiff appeared in person and Defendant appeared by counsel for a Status Conference before Magistrate Mark J. Dinsmore on May 30, 2024. Plaintiff confirmed that he has not yet initiated an arbitration proceeding, explaining his belief that Defendant, the party that moved to compel arbitration, is obligated to initiate any arbitration proceeding. The Court will clarify the parties' obligations by separate order. Signed by Magistrate Judge Mark J. Dinsmore. (DLW) (Entered: 05/30/2024)
05/31/2024	98	RESPONSE in Opposition re 94 MOTION to Vacate <i>Order Staying Proceedings and Order Compelling Arbitration</i> , filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Attachments: # 1 Exhibit Exhibit A - Declaration)(Hoock, Adam) (Entered: 05/31/2024)
06/05/2024	99	NOTICE of Status of Arbitration Proceedings, filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK, re 49 Order on MotionOrder on Motion to Compel, 50 Order on Motion for Summary Judgment. (Hoock, Adam) (Entered: 06/05/2024)
06/06/2024	100	Reply to response Dkt. 98 to Motion Dkt. 94 , filed by Plaintiff JOEY KIMBROUGH. (LF) (Entered: 06/11/2024)
06/11/2024	101	ORDER - This matter is before the Court on Plaintiff's Notice of Unauthorized Practice of Law and Motion to Compel. Plaintiff filed the instant motion stating that Defendant's Counsel, Elise K. Haverman, appeared in this case prior to taking her Oath of Attorney to be admitted to the United States District Court for the Southern District of Indiana. [Dkt. 95.] Defendant's Counsel, Elise K. Haverman, appeared in this case prior to taking her Oath of Attorney to be admitted to the United States District Court for the Southern District of Indiana. [Dkt. 95.] Plaintiff argues that an order compelling Ms. Haverman to provide evidence of her admission to practice before this Court is warranted. Id. As of May 17, 2024, Ms. Haverman has complied with all local rules and requirements and has been properly admitted and authorized to practice law in the United States District Court for the Southern District of Indiana. [Dkt. 96]. Accordingly, this Plaintiff's Notice of Unauthorized Practice of Law and Motion to Compel [Dkt. 95] is DENIED AS MOOT. See Order for additional information. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 6/11/2024. (SWM) (Entered: 06/11/2024)
06/11/2024	102	ORDER denying 94 MOTION to Vacate - This matter is before the Court on Plaintiff's Motion to Vacate Order Staying Proceedings and Order Compelling Arbitration. Dkt. 94 . The basis of Plaintiff's motion is that he believes Defendant was in default at the time the Order in question was entered because he believes the Defendant failed to timely respond to Plaintiff's motion for summary judgment. For the reasons set forth below, Defendant was not in default. Accordingly, Plaintiff's motion is DENIED. If Plaintiff wishes to pursue his claim against Defendant, Plaintiff shall initiate arbitration proceedings against Defendant by July 19, 2024, and shall file a notice confirming that he has done so by no later than July 26, 2024. Plaintiff is hereby put on notice that if Plaintiff fails to initiate the arbitration process by July 19, 2024, the Court may assume that Plaintiff has decided to abandon his claim and may therefore

		dismiss this case, with prejudice, for failure to prosecute. (See Order.) Copy to Plaintiff via US mail. Signed by Magistrate Judge Mark J. Dinsmore on 06/11/2024. (AJG) (Entered: 06/11/2024)
07/05/2024	103	NOTICE of Status of Arbitration Proceedings, filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK, re 49 Order on MotionOrder on Motion to Compel, 50 Order on Motion for Summary Judgment. (Hooock, Adam) (Entered: 07/05/2024)
07/18/2024	104	MOTION of Notice of Waiver of Arbitration, filed by Plaintiff JOEY KIMBROUGH. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M)(AAS) (Entered: 07/19/2024)
07/18/2024	105	Objection to Court Order, re 102 Order on Motion to Vacate. filed by Plaintiff JOEY KIMBROUGH. (CKM) (Entered: 07/19/2024)
07/19/2024	106	Objection to Court Order dkt 102 , filed by Plaintiff JOEY KIMBROUGH. (AJG) (Entered: 07/22/2024)
08/01/2024	107	ORDER - 104 Notice of Waiver of Arbitration is DENIED. See Order for details. Signed by Magistrate Judge Mark J. Dinsmore on 8/1/2024 (Copy mailed to Plaintiff). (LBT) (Entered: 08/02/2024)
08/02/2024	108	RESPONSE in Opposition to Plaintiff's Objections, re 105 Notice (Other), 106 Notice (Other), filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Hooock, Adam) (Entered: 08/02/2024)
08/02/2024	109	NOTICE of Status of Arbitration Proceedings, filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK, re 49 Order on MotionOrder on Motion to Compel, 50 Order on Motion for Summary Judgment. (Hooock, Adam) (Entered: 08/02/2024)
08/11/2024	110	REPLY re 108 Response, filed by Plaintiff JOEY KIMBROUGH. (AAS) (Entered: 08/12/2024)
08/14/2024	111	Objection to 107 Court Order, filed by Plaintiff JOEY KIMBROUGH. (JRB) (Entered: 08/14/2024)
08/28/2024	112	RESPONSE re 111 Response in Opposition to Plaintiff's Objection, filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK. (Hooock, Adam) (Entered: 08/28/2024)
09/03/2024	113	NOTICE of Status of Arbitration Proceedings, filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK, re 49 Order on MotionOrder on Motion to Compel, 50 Order on Motion for Summary Judgment. (Hooock, Adam) (Entered: 09/03/2024)
09/20/2024	114	ORDER TO SHOW CAUSE AND ORDER OVERRULING PLAINTIFF'S OBJECTIONS - The court notes that Mr. Kimbrough objects to the Court's order compelling arbitration (Dkt. 102), and objects to the Court's Order dated August 1, 2024 (Dkt. 107), which denied Plaintiff's Notice of Waiver of Arbitration and associated motions [Dkt. 104]. (Dkt. 111). Plaintiff's objections are OVERRULED. As of the last Notice of Status of Arbitration Proceedings filed on September 3, 2024, Plaintiff has not commenced arbitration proceedings (Dkt. 113). Plaintiff is ordered to file a response to this Order to Show Cause on or before October 11, 2024 as to why he has failed to comply with the Court's orders, or, he may commence arbitration proceedings as ordered. See Order for details. Signed by Judge Tanya Walton Pratt on 9/20/2024 (Copy mailed to Plaintiff).(LBT) (Entered: 09/20/2024)

10/03/2024	115	NOTICE of Status of Arbitration Proceedings, filed by Defendant AMERICAN EXPRESS COMPANY, aka AMERICAN EXPRESS NATIONAL BANK, re 49 Order on MotionOrder on Motion to Compel, 50 Order on Motion for Summary Judgment. (Hoock, Adam) (Entered: 10/03/2024)
10/11/2024	116	RESPONSE to 114 Order to Show Cause, filed by Plaintiff JOEY KIMBROUGH. (JRB) (Entered: 10/11/2024)
10/17/2024	117	ENTRY DISMISSING ACTION FOR FAILURE TO PROSECUTE - This action is DISMISSED WITH PREJUDICE for failure to prosecute. Final judgment consistent with this Entry will issue under separate order. See Entry for details. Signed by Judge Tanya Walton Pratt on 10/17/2024 (Copy mailed to Plaintiff).(LBT) (Entered: 10/17/2024)
10/17/2024	118	CLOSED JUDGMENT - The Court having this day made its Entry directing the entry of final judgment, the Court now enters FINAL JUDGMENT. This action is dismissed with prejudice. Signed by Judge Tanya Walton Pratt on 10/17/2024 (Copy mailed to Plaintiff).(LBT) (Entered: 10/17/2024)
10/28/2024	119	NOTICE OF APPEAL as to 118 Closed Judgment, 117 Entry, filed by Plaintiff JOEY KIMBROUGH. (No fee paid with this filing) (JSR) (Entered: 10/29/2024)
10/28/2024	120	DOCKETING STATEMENT by JOEY KIMBROUGH re 119 Notice of Appeal (JSR) (Entered: 10/29/2024)
10/28/2024	121	DESIGNATION of Record on Appeal by JOEY KIMBROUGH re 119 Notice of Appeal (Attachments: # 1 Exhibit) (JSR) (Entered: 10/29/2024)

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